

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	10-8279 (MCA)
	:	
v.	:	
	:	
LUIS COLON	:	ORDER OF DEFAULT AND BOND
	:	FORFEITURE JUDGMENT
Defendant	:	
	:	
MARIA M. MARTINEZ	:	
	:	
Surety	:	

This matter having come before the Court on the application of Paul J. Fishman, United States Attorney for the District of New Jersey (by Kathleen P. O'Leary, Assistant U.S. Attorney, appearing), for an Order Seeking Default and Bond Forfeiture Judgment; Defendant Luis Colon being a fugitive and having received notice of this Motion through his attorney of record, Alexander Booth, Esq.; surety Maria M. Martinez having received notice through the office of William T. Walsh, Clerk of the Court; the Court having considered the record in this matter; and for good and sufficient cause shown, pursuant to Rule 46(f) of the Federal Rules of Criminal Procedure;

IT IS THE FINDING OF THIS COURT that the United States's motion should be granted for the following reasons:

(1) On or about June 2, 2011, bail was set in the above-entitled action for Defendant Luis Colon ("Defendant Colon" or "Defendant") at \$100,000 by the Honorable Madeline Cox Arleo in the District of New Jersey. Judge Arleo ordered that Defendant's release be contingent upon a surety signing an unsecured appearance bond in the amount of \$100,000.

(2) On June 2, 2011, Defendant and Maria M. Martinez obligated themselves in the amount of \$100,000. The conditions of the bond provided the following, *inter alia*:

- a. that Defendant was to be released into the third party custody of his mother, Eneida Lopez ("third party custodian Lopez");
- b. that Defendant restrict his travel to the District of New Jersey and the Eastern District of Pennsylvania, unless approved by pretrial services;
- c. that Defendant surrender all passports and travel documents belonging to Defendant to pretrial services and not obtain new travel documents;
- d. that Defendant report to pretrial services as directed and advise pretrial services of any contact with law enforcement personnel, including any arrest, questioning or traffic stop;
- e. that Defendant not attempt to influence, intimidate, or injure any juror or judicial officer;
- f. that Defendant not tamper with any witness, victim, or informant or retaliate against any witness, victim, or informant in this case;
- g. that Defendant participate in a home confinement program and abide by all the requirements of the program, including electronic monitoring or other location verification system;
- h. that Defendant is restricted to his residence at all times except for the following: education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or the supervising officer;

i. that Defendant must appear for the next scheduled court hearing at the Philadelphia Criminal Justice Center on June 28, 2011 before the Honorable Frank Palumbo;

j. that if Defendant fails to perform these conditions, payment of the bond would be due forthwith;

(3) On September 22, 2011, Defendant was granted leave by pretrial services to attend a scheduled 8:00 a.m. court hearing in Philadelphia Municipal Court. That same day, third party custodian Lopez informed pretrial services that Defendant had departed his residence to travel to court, but had taken his luggage and some personal belongings with him;

(4) On that same date, pretrial services contacted the Philadelphia Municipal Court and was advised that Defendant had failed to appear at the hearing and that a bench warrant had been issued for his arrest. Pretrial services was subsequently contacted again by third party custodian Lopez who told pretrial services that Defendant had called her and told her, in substance, that he had absconded and would send someone for his belongings;

(5) Defendant Colon breached the conditions of his release and on or about September 22, 2011, Judge Falk issued a warrant for his arrest.

(6) On February 29, 2012, this Court held a hearing on the United States' motion. Neither defendant Colon nor Maria M. Martinez appeared at the hearing.

(7) On April 9, 2012, defendant Colon was arrested in the Eastern District of Michigan. He appeared before a Magistrate Judge in that District on April 10, 2012 and consented to transfer to the District of New Jersey, pursuant to Rule 5 of the Federal Rules of Criminal Procedure.

(8) The Appearance Bond on file with the office of the Clerk of this Court is

expressly incorporated by reference. A copy of said Appearance Bond is attached hereto as Exhibit "A."; and

(9) No party has opposed the government's motion.

WHEREFORE, IT IS on this 30 day of April, 2012

ORDERED AND ADJUDGED that pursuant to Crim. R. 46(f) and Title 18, United States Code, Section 3146(d), a Default and Bond Forfeiture Judgment is hereby entered against Defendant Luis Colon and surety Maria M. Martinez in the amount of \$100,000. The United States Attorney shall have and recover from Defendant Luis Colon and surety Maria M. Martinez, jointly and severally, judgment in the amount of \$100,000, with interest thereon at the legal rate as provided by law.



HON. MADELINE COX ARLEO
United States Magistrate Judge

EXHIBIT A

AO 98

(Rev. 8/85) Appearance Bond

UNITED STATES DISTRICT COURT

District of

New Jersey

NEW 3740

UNITED STATES OF AMERICA

V.

LUIS COLON

APPEARANCE BOND

Defendant

Case

2:10-MJ-8279

Non-surety: I, the undersigned defendant acknowledge that I and my ...

Surety: We, the undersigned, jointly and severally acknowledge that we and our ...

personal representatives, jointly and severally, are bound to pay to the United States of America the sum of

\$ 100,000, and there has been deposited in the Registry of the Court the sum of

\$ _____ in cash _____ (describe other security.)

The conditions of this bond are that the defendant

LUIS COLON

(Name)

is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment, may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

This bond is signed on

6/2/2011

Date

a

USDC, Newark, NJ

Place

Defendant

Luis Colon

Address

Fairview, NJ

Surety

Maria Martinez

Address

223-21 St Guttenberg NJ

Surety

Address

Signed and acknowledged before me on

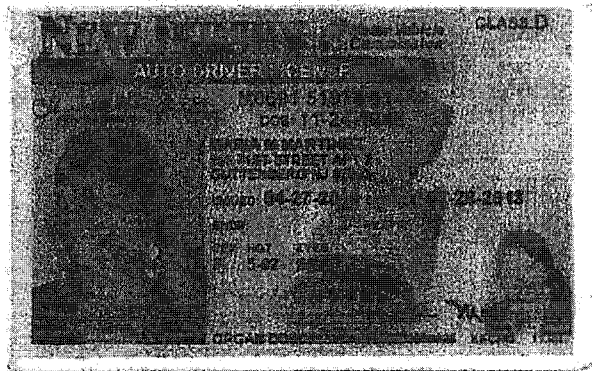
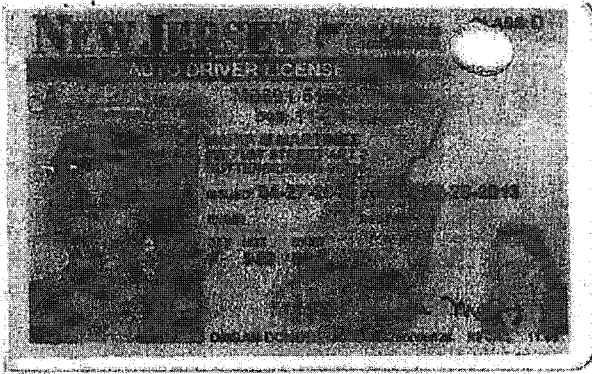
June 2, 2011

Date

Judicial Officer/Clerk

Approved:

Judicial Officer



[recog]
[I]NQUIRE

JUDGMENT & RECOGNIZANCE MGT. VER2 22 SEP 2011 - 16:26
RECOGNIZANCE LOG SCREEN

RECOGNIZANCE NUMBER: NEW3740

CASE NUMBER: 10MJ8279

DEFENDANT'S NAME

LAST: COLON

FIRST: LUIS

MID:

CORP:

ADDRESS:

CITY: FAIRVIEW

STATE: NJ

ZIP CODE:

AMOUNT BOUND : 100,000.00 AMOUNT DEPOSITED: 0.00
REAL PROPERTY :

RELEASE PROPERTY DATE: **/**/****

RELEASE PROPERTY RMKS:

FILE DATE : 06/02/2011

FORFEIT DATE : **/**/****

OFFICE CODE : 2 NEWARK

CANCELLED DATE: **/**/****

REMARKS :

SURETIES? Y

create> 06/20/2011 update> **/**/****

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[surety] JUDGMENT & RECOGNIZANCE MGT. VER2 22 SEP 2011 - 16:33
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 RECOGNIZANCE NUMBER: NEW3740 ID> 1 CASE NUMBER> 10MJ8279

DEFENDANT> COLON

update>
 //****

SURETY 1: MARIA M. MARTINEZ

STREET ADDRESS:

create>
 06/20/2011

CITY: GUTENBURG

STATE: NJ ZIP CODE:

COLLATERAL : CO/SIGNATURE

SURETY 2:

STREET ADDRESS:

CITY:

STATE: ZIP CODE:

COLLATERAL :

SURETY 3:

STREET ADDRESS:

CITY:

STATE: ZIP CODE:

COLLATERAL :

[N]EXT, [P]REVIOUS, [S]TOP

searched: 1 selected: 1 current: 1

[recog]
[M]ODIFY

JUDGMENT & RECOGNIZANCE MGT. VER2
RECOGNIZANCE LOG SCREEN

3 MAY 2012 - 10:57

RECOGNIZANCE NUMBER: NEW3740

CASE NUMBER: 10MJ8279

DEFENDANT'S NAME

LAST: COLON

FIRST: LUIS

MID:

CORP:

ADDRESS:

CITY: FAIRVIEW

STATE: NJ

ZIP CODE:

AMOUNT BOUND : 100,000.00 AMOUNT DEPOSITED: 0.00

REAL PROPERTY :

:

:

RELEASE PROPERTY DATE: **/**/****

RELEASE PROPERTY RMKS:

FILE DATE : 06/02/2011

FORFEIT DATE : 04/30/12

OFFICE CODE : 2 NEWARK

CANCELLED DATE: **/**/****

REMARKS : 04/30/12 OTC OF DEFAULT AND BOND FORFEITURE JUDGMENT

SURETIES? Y create> 06/20/2011 update> 05/03/2012